

LICENSEE

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From Grape Juice to Virginia Wine; One Owner's Fate to Grow Grapes

By: Kristy Smith, PR Specialist

Trading his 40 successful years in the construction business for his love of farming and growing grapes, 82-year-old Whitie Hubert retired and in 1985 he purchased 475 acres of land in Leesburg to build Tarara, a winery devoted to the art of producing fine wine. When Whitie and his wife, Margaret, purchased this property, they felt like they had landed on Mt. Ararat (where Noah landed after the Great Flood). As a result, they pondered naming the place Mt. Ararat, but they didn't like the "rat" on the end of the word. So, they reversed the letter and got Tarara.

Tarara winery, built by Hubert, is situated along 4,000 feet of the Potomac River, which protects the land from freezing in the winter and keeps it cool in the summer. "The key to good grape growing is the river," says Whitie.

Tarara winery is the winery that's a little more than a winery. It's scenic, nostalgic and it's quite a conversation piece. The very grounds put one in a hallucinating state – not from the beverage they produce, but from the beauty of the landscape. This winery's aura is euphoric. Not only are you offered a taste of any one of their award-winning wines, but also when you visit Tarara, every aspect of the land provides visitors a wonderful taste of nature. Whitie, using his building skills, created a manmade 10-acre lake on premise that includes fish and snapping turtles. "I have had the time of my life," Whitie expressed about building up Tarara. The winery also offers a marvelous view into Maryland's Sugar-loaf Mountain.

Born and raised in Ohio, Whitie worked with his father and brother on a farm and that is where his interest in viticulture began. "We grew and sold grapes to Welch's Grape Juice



Winemaker Rob Warren displays one of the stainless steel barrels that are used for wine fermentation.

Company," he said. Whitie started his early years growing grapes and has decided to spend his retirement years doing the same thing. However, he has not put his construction talent to the side. "We wanted the location for our wine barrels to be close to the house," said Whitie. After noticing a lot of stone surrounding the property, Whitie decided to build a 6,000-square-foot cave to house the winery. "We were very lucky to have the stone on our property to build the cave," commented Whitie. He decided to reinforce the walls with mesh mat and sprayed them with concrete to give it a very rustic and natural appearance. The cave holds the equipment needed for winemaking and the floors were made to include a slope that helps the wine flow downhill, which makes it easier at bottling time.

"Each year, we produce close to 9,000 cases of wine at Tarara," said Margie Russell, general manager of the winery. Bottling is usually scheduled three times per year. Tarara hires a mobile bottling company, Landwirt Bottling, allowing more space for storage and aging in the cellar. The mobile unit arrives on a large trailer and the bottling operation is done in the trailer.

The winery has 50 acres planted in vines which include 14 different varieties: Cabernet Sauvignon, Cabernet Franc, Merlot, Syrah, Chambourcin, Pinot Noir, Chardonnay, Viognier, Pinot Gris, Vidal Blanc, Seyval Blanc and small sec-

continued on page 2



This 6,000 square-foot man-made cave, built by Whitie, houses the winemaking equipment needed to make fine Tarara Wine.

Tarara Winery

continued from page 1



Some of the Tarara's award-winning wines and the artwork of the owner's daughter, Martha Hubert, are displayed in the tasting room.

tion of Petit Verdot, Charbono and Sangiovese. Both white and red grapes are grown and each year the grapes are hand-picked at optimum ripeness.

"We use stainless steel tanks for wine fermentation and storage," said Rob Warren, winemaker at Tarara. The tanks are designed for easy sanitation and sterilization, and range from 100 to 3,225 gallons. They have built in temperature control systems that allow the winemaker to cold settle the juice, control the fermentation temperature and cold stabilize the wines prior to bottling.

When you glance at a bottle of Tarara wine, the first thing you will notice is the art that is on each wine label. Wanting to decorate each bottle to look as wonderful as the wine tastes, the owner's daughter, Martha Hubert, does the artwork that is adorned on each bottle. Her inspiration stems from a variety of sources to include nature, architecture and the spiritual. Although she lives in San Francisco, she returns to Tarara several times a year to do paintings. Many of her creations are found on the walls of the winery's tasting room and have graced Tarara's wine labels since the winery's conception.

Many activities are offered on the Tarara vineyard to give customers more than just an ordinary winery experience.



Tarara Winery owner Whitie Hubert proudly poses in his vineyard located in Leesburg. His grapes produce what he refers to as "one of man's finest artworks—wine."

Visitors can enjoy six miles of hiking trails that are marked throughout the property, there are two different picnic grounds around the 10-acre "Shadow Lake" to enjoy, a small apple orchard and rows of berry bushes are on the grounds that allow visitors to come and pick their own fruit. The winery is also a popular destination to many locals throughout the summer as it provides many wine festivals and even a concert series called "Sounds of Summer" on the property. Whitie built a stage overlooking the lake so that spectators can enjoy the view of Shadow Lake in the background while listening to the musicians on stage. "Our winery is not just a regular wine experience," said Russell.

All of the marketing for Tarara Winery is done in-house and mostly done within the Leesburg and Northern Virginia area. "Our visitors are mostly locals," commented Marta Wallace, marketing director for Tarara. "We primarily do 'market-to-where-we-live' campaigning," she said. Tarara wines are all retailed in Virginia, mostly in the Northern Virginia area.

With the new General Assembly ruling, Virginia farm wineries are no longer allowed to sell their products directly to retailers. Wineries must now get their product to market through licensed wine wholesalers and retailers must purchase all wine for resale from wine wholesalers. "This is a big concern for us," said Russell. "We sold our wine to a lot of local small markets in the area and we are afraid they might get missed with the new ruling. Tarara is one of many accounts our distributor has," she said. Tarara currently uses Virginia Imports about twice a month as their wholesaler and are glad that they are a smaller company that values the local stores.

With many award-winning wines, wonderful concerts and beautiful landscaping, Tarara Winery is considered one of Loudon County's best-kept secrets. Tarara has become a popular Virginia destination for naturalists and wine lovers alike.



Tarara's fine wines begin in this vineyard where both white and red grapes are grown. The grounds also include nursery stock that is sold to wholesalers.

ABC Court Reporters Become Certified Managers of Reporting Services

By: Robert O'Neal, Chief Hearings Officer



ABC court reporters (left to right) Tracy Westfall, Sandra Campbell and Donna Tuten are three of the 163 nationally Certified Managers of Reporting Services (CMRS).

Licensees should be reassured that all testimony and comments made in ABC hearings are accurately and completely transcribed for use by the ABC Board and Circuit Courts in Virginia. These transcripts are prepared to ensure that licensees are treated fairly and impartially and to allow anyone who appeals an ABC decision to have a full and complete record of their respective hearing.

In August, all three of ABC's court reporters working in the Hearings and Appeals Division received their final certifications by the National Court Reporters Association (NCRA) as Certified Managers of Reporting Services (CMRS). The year-long certification process was completed

earlier in the year, but final certificates were awarded at a national ceremony in New York City to Donna Tuten and Sandra Campbell in August. Tracy Westfall received her certificate in 2005.

There are over 60,000 court reporters in the United States, but only 163 have attained this level of certification. ABC is very fortunate to have three of the 163 nationally Certified Managers of Reporting Services.

"The new training and certification means more efficient case and transcript processing," said Robert Scott, Chief Clerk of the ABC Board. "Our three court reporters function as a self-managed team and provide services to customers in the same way private sector firms operate by focusing on accuracy, customer service, and quick turn-around times for work products."

In order to qualify as a CMRS, each court reporter had to complete an independent written research project focused on improving court reporting processes, in addition to transcription skill-building and training. The special projects were overseen and approved by NCRA instructors as well as being approved by their supervisor, ABC's Director of Hearings and Appeals, Robert O'Neal. One project, completed by Donna Tuten, resulted in the creation of a desktop procedure manual for how to conduct every aspect of ABC's court

reporting duties and functions.

Court reporters must attain and maintain the highest national standards of professional excellence in transcription speed, accuracy and professional demeanor. ABC's three court reporters take a word-for-word transcription of testimony given in all initial ABC administrative hearings on applications, disciplinary matters and franchise cases. When needed, they also take transcriptions of appeal hearings before the Board. ABC's court reporters are certified to accurately transcribe 225 words per minute – which is faster than most people can speak.

Sandy Campbell graduated in 1994 and Donna Tuten in 1995 from the Reporting Academy of Virginia. Tracy Westfall graduated from the Ohio Academy of Court Reporting with an Associates Degree in Applied Science in 1993. She is also recognized as a Registered Professional Reporter (RPR). ABC's court reporters are also active members of the National Court Reporters Association and the Virginia Court Reporters Association, where they have attained the Virginia state certification as Certified Court Reporters (CCR).

Register Today for October and November RSVP Training Classes!

Taught by ABC's special agents, the *Responsible Sellers/Servers: Virginia's Program (RSVP)* training classes are designed for bartenders, clerks, cashiers, waitstaff and other front-line employees. RSVP, which started in June 2004, is a continual program offered at least once a month in every region of Virginia. The training class covers laws and administrative regulations that govern alcohol sales and consumption, detecting fake identifications, preventing intoxicated customers and managing confrontational situations.

Visit the ABC Web site at www.abc.virginia.gov for more information, a current schedule of classes and to register online.



Licensee violations and penalties — June 2006 - August 2006

Compiled by Public Affairs

As a result of ABC Bureau of Law Enforcement investigations and the ABC hearings process, the following businesses received a minimum sanction of a 10 to 30-day suspension and/or at least a \$1,000 fine. These sanctions were selected

randomly from the final Board Orders issued from June 2006 to August 2006. The sanctions are reported to raise the awareness of licensees by informing them of the potential penalties for violating Virginia's ABC Laws and Regulations. It is

the hope that making licensees aware of these major violations will serve as a deterrent. Most licensed establishments operate clean and safe businesses as encouraged by the Virginia ABC Board.

Licensee	Violation	Penalty
Convenient/Grocery Store/White Marsh	Licensee allowed lewd, obscene or indecent literature, pictures or materials upon the premises	Revoked
Convenient/Grocery Store/Richmond	Sold to underage person; licensee failed to keep license posted; failed to have a designated manager; failed to keep complete, accurate records	25 days suspended or \$2,500 fine
Convenient/Grocery Store/Lynchburg	Sold alcohol to intoxicated person	25 days suspended or \$2,000 fine
Grocery Store/Richmond	Sold to underage person (first offense); failed to keep manager's name posted	25 days suspended or \$2,500 fine
Restaurant/Chesapeake	Sold to underage person (first offense)	25 days suspended or \$2,000 fine
Restaurant/Falls Church	Sold alcohol to intoxicated person	25 days suspended or \$1,500 fine
Restaurant/Springfield	Licensee allowed lewd or disorderly conduct on licensed premises; licensee establishment had become a meeting place or rendezvous for users of narcotics or illegal drugs	Revoked
Restaurant/Fredericksburg	Sold to underage person; allowed employee to drink alcohol on duty; failed to obliterate the mixed beverage stamps immediately when container was empty	Accepted \$2,750 fine
Restaurant/Annandale	Licensee kept or allowed to be kept unauthorized alcohol	Revoked
Restaurant/Farmville	Licensee failed to submit the annual review to the Board	Revoked
Restaurant/Danville	Licensee allowed lewd or disorderly conduct on premises	45 days suspended or 30 days suspended and \$3,000 fine
Restaurant/Staunton	Sold alcohol to intoxicated person	25 days suspended or \$2,000 fine
Restaurant/Lexington	Licensee cannot demonstrate financial responsibility; ceases to qualify as a restaurant	Revoked

Licensee violations and penalties (continued)

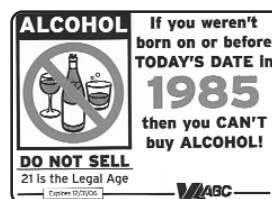
Licensee	Violation	Penalty
Restaurant/Manassas	Licensee allowed lewd and disorderly conduct; became a meeting place or rendezvous for users of narcotics, drunks, or has become a place where illegal drugs are used or distributed; kept unauthorized alcohol on premises; sold to underage person	Revoked
Restaurant/Roanoke	Sold to underage person (second offense)	60 days suspended or 15 days suspended and \$5,000 fine
Restaurant/Manassas	Sold alcohol to intoxicated person; allowed intoxicated person to loiter on premises	25 days suspended or 7 days suspended and \$2,500 fine
Restaurant/Virginia Beach	Licensee is so located that peace and good order have resulted; maintained noisy and disorderly establishment; licensee location interferes with quietude and tranquility of such residences; licensee failed or refused to comply with a condition or restriction of the license	Revoked
Restaurant/Norfolk	Gross receipts from the sale of food and non-alcoholic beverages were less than forty-five percent of the gross receipts from the sale of mixed beverages and food	Revoked

Do Not Sell Mini Posters Are Now Available Online

Display your commitment to compliance by downloading and printing a *Do Not Sell* mini-poster.

Preparing to attend an event as a wine or beer vendor, or have space in your establishment for a *Do Not Sell* mini-poster as either an on-or-off premise licensee? A quick download will equip you with a current tool to display your commitment to compliance. To aid you in checking IDs and to deter underage buyers, print multiple copies and place them where both the seller and buyer can see them, possibly on the countertop or bar where purchases are made. The mini-posters are available in Spanish and English. Visit www.abc.virginia.gov and click on the homepage link.

The *Do Not Sell* mini-posters do not replace ABC's *Do Not Sell* stickers. Stickers in English and Spanish for alcohol and tobacco sales are still available for you to order upon request by calling ABC's Public Affairs Division at (804) 213-4413 or e-mailing the request to pubrel@abc.virginia.gov. Please include the number of stickers needed, mailing address and which version – English, Spanish or both.



Federal District Court and General Assembly Create New Rules for Virginia Wineries and Retailers

By: W. Curtis Coleburn, Chief Operating Officer

The way Virginia wines are sold at wholesale and retail, and the privileges of all off-premise alcohol retailers in Virginia have changed as a result of recent law changes necessitated by a federal court decision. No longer may retailers make deliveries of wine or beer to consumers, nor can Virginia farm wineries sell their products directly to retailers. In addition, Virginia farm wines do not presently appear in Virginia ABC stores.

In the spring of 2005, the Federal District Court for the Eastern District of Virginia declared several provisions of Virginia's alcoholic beverage laws unconstitutional because they discriminated against similarly situated producers and retailers in other states. While some of the issues remain on appeal, the 2006 General Assembly passed legislation

resolving most of them.

Virginia wine and beer off-premise retailers and farm wineries have for many years had the right to make deliveries of alcoholic beverages to their customers. Since this privilege does not apply to those businesses located outside of Virginia, the court struck down this provision, and the General Assembly this year repealed delivery privileges for all licensees. No licensee may now deliver wine or beer. Wine or beer may be shipped by common carrier to consumers, in limited quantities, by holders of a wine or beer shipper's license.

Since the federal lawsuit began as an attempt to open up Virginia to the shipment of wine directly to consumers, many of the laws attacked were those applicable to Virginia's farm wineries. Under the

revisions made by the General Assembly, Virginia farm wineries lost their wholesale privileges, which had allowed them to sell directly to grocery stores, wine shops, and restaurants. Under the provisions effective July 1, 2006, Virginia farm wineries may not sell directly to retailers. Farm wineries must now get their product to market through licensed wine wholesalers, and retailers must purchase all wine for resale from wine wholesalers.

Virginia law provides that ABC stores may sell only wine produced by Virginia farm wineries. The court struck down this provision, but an appeal of this ruling is still in progress. The General Assembly has not addressed this issue, but ABC is not carrying Virginia farm winery products until the case is resolved or the General Assembly acts.

Regulatory Town Hall Provides Easy Way to Keep Up with ABC Regulations

There is a handy tool available for anyone who would like to keep up with proposals to add to, amend, or repeal any of the regulations of the Alcoholic Beverage Control Board. It is called the Virginia Regulatory Town Hall, and it is free and easy to use. Just go to the Town Hall Web site, www.townhall.virginia.gov, and you can check on every action of any state agency that promulgates regulations.

On this Web site, you can link to any regulation of any agency and view what changes may be planned and where they are in the process. You can post comments about regulatory proposals and find out about meetings and contact information. The site allows anyone to become a registered user, and to sign up

to receive e-mail notification of any agency's proposals and any changes in their status, including notices of meetings or public hearings. Just click on "fast & easy sign up" on the menu on the left side of the page and become a registered user of the Town Hall. You will then automatically be directed to the notifications options page, which will let you designate what agency or agencies about which you want to receive notices.

Virginia ABC welcomes all its licensees to use the Town Hall Web site to receive up-to-date information on Virginia alcoholic beverage regulations and to participate in the regulatory process.

Successful Summer for MART



Special Agent Dan Durette, pictured above, conducts an August MART training session in Richmond for many on- and off-premise licensee managers. A team of special agents, licensee managers and ABC education staff develop and conduct training classes throughout the state to help managers get a better understanding of Virginia's alcohol-related laws and regulations. Please visit www.abc.virginia.gov for more information and to register online for training.

ABC Hearings and Appeals Cases for Processing: Fiscal Year 2005-2006

Licensees frequently ask, how many cases are received by the agency's Hearings & Appeals Division each year and how did the Board ultimately resolve those cases?

Cases Received:

From July 1, 2005 until June 30, 2006, the Hearings and Appeals Division received 1,317 total cases. Cases received for processing included:

Referrals for hearings on disciplinary matters against ABC licensees;	1,215
Cases in which an application was contested by local objectors or ABC agents;	74
Banquet applications contested by local objectors or ABC agents;	18
Cases involving disputes between licensee's governed under the Beer and Wine Franchise Acts of the ABC Code.	8

At the end of the fiscal year, there were two additional franchise cases in process that were awaiting hearing during the current fiscal year, which began July 1, 2006.

Cases Processed:

From July 1, 2005 until June 30, 2006, the division completed final processing of 1,418 cases, which included the 1,317 cases received during the fiscal year and 101 cases in process at the end of last fiscal year (June 30, 2005).

The following ABC Hearings processes between July 1, 2005 and June 30, 2006 obtained final outcomes or decisions:

Consent Settlement Offers (first or minor offense, settled prior to hearing):	746
Initial hearings before an ABC hearing officer and Board appeals:	523
Offers in Compromise (offer to settle case, made directly to the Board):	119
Cases withdrawn or dismissed before or at the initial hearing:	30

For more information about ABC's Hearings and Appeals functions, visit our Web site at www.abc.virginia.gov and click on Hearings and Appeals. Licensees may also find a list of scheduled dockets for initial ABC hearings before hearing officers and appeal hearings before the full ABC Board on the Web site.

Attention Licensees: Has Your Status of Ownership Changed??

Please remember to report any changes in non-corporate ownership to your special agent. Anytime there is a change in non-corporate ownership, such as the sale of the business or taking on a new partner, the current license will be automatically **terminated** and a new application for an ABC license must be filed. Only the individual, partnership, association, or corporation whose name appears on the license may use the privileges of the license.

If a corporation holds a license and any changes in the officers, directors, or shareholders owning 10% or more of the stock occurs, the ABC Board must be notified within 30 days. However, publicly owned corporations whose stock is traded on an exchange do not have to report stock transfers.

For more information regarding ownership change, please visit the *Licensee Resources* section of our Web site, www.abc.virginia.gov, and select Licensee Laws & Regulations. The codes pertaining to ownership change are Virginia Administrative Code [3 VAC 5-70-90.G] and Code of Virginia [COV §4.1-203].

You can locate your agent in the *Licensee Resources* section by selecting ABC Agents Services from the left menu and clicking on Find Your ABC Agent.

Ask ABC: Questions from the Field

"Ask ABC" is intended to provide answers to common and not-so-common questions that affect ABC retail licensees and their employees. This serves as an easy-to-use supplement to all of the education materials already offered through ABC, but is not a legal document and does not supersede the Code of Virginia, Virginia Administrative Code or any other statute.

Have a retail license question for ABC?

To submit a question to "Ask ABC," please e-mail your question to:
pubrel@abc.virginia.gov

Can I buy my beer and wine from one of those discount membership clubs such as Sam's Club or Costco?

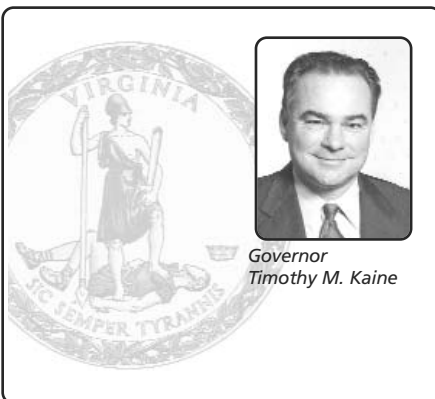
No. All retailers must purchase wine and beer from VA licensed wholesalers. The discount membership clubs are retail licensees. No licensee, other than a common carrier operating in interstate or foreign commerce, licensed to sell wine or beer at retail shall purchase for resale or sell any wine or beer purchased from anyone other than a wholesale wine, farm winery, brewery, bottler's or wholesale beer licensee. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor. (§ 4.1-326).

I hold a mixed beverage license. Do I have to purchase my distilled spirits from a specific ABC store?

All ABC Stores are equipped to accommodate a mixed beverage licensee. You should contact the store to determine if it has the stock you desire. However, all bottles must have affixed to them a mixed beverage stamp applied to the bottle at the store.

If you have a valid mixed beverage on-premise license, are you allowed to add fruit to vodka and keep it in a jar behind your bar to make a fruit-infused martini or drink?

No. No mixed beverage licensee nor any agent or employee of such licensee shall keep any alcoholic beverage other than in the bottle or container in which it was purchased. You may, however, add fruit to a spirits bottle. Then, pursuant to a specific order, a patron could be served from the original container. (§ 4.1-325(A)(6)).



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